

REMARKS

Claim Rejections - 35 USC § 103

In the Office Action mailed September 22, 2006, ("Office Action") the Examiner rejected claims 1-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40- 47, 49-54, 58-60, 64-69, 71, 78-80, 82, 87-91, 92-99, 101-106, and 110-112 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,529,985 B1 to Deianov et. al. ("Deianov") in view of U.S. Patent Publication 2004/210771 A1 to Wood et. al. ("Wood"). Applicant notes that claim rejections appear under the sub-heading "Claim Rejections - 35 USC § 103," and further that the rejections, as outlined, are only proper under 35 U.S.C. § 103. Applicant has therefore addressed the rejections as made under 35 USC § 103, in this response.

Claims 6-7 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Wood and further in view of Admitted Prior Art ("APA").

Claims 20-23, 31-32, 55, 72-75, 83-84, and 107 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Wood and further in view of U.S. Patent 6,587,888 81 to Chieu et al. ("Chieu").

Claims 18, 29, 61, 70, 81, and 113 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Wood, further in view of Chieu, and further in view of U.S. Patent 5,764,985 to Smale ("Smale").

Claims 24-25, 56-57, 76-77, and 108-109 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Wood and further in view of U.S. Patent 5,537,548 to Fin et al ("Fin").

Claims 33-34, 62, 85-86, and 114 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Wood and further in view of Smale.

Applicant respectfully requests the Office to enter the following amendments and consider the following remarks. Claims 1, 49-52, 64, 101, 102, 103, and 104 have been amended. The amendments add no new matter. As a result of this amendment, Claims 1-47, 49-62, 64-99, and 101-114 are now pending in this application.

In order to combine references the Examiner must first establish a prima facie case of obviousness. The Examiner has failed to meet the burden of establishing a prima facie case of obviousness. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. See M.P.E.P. §2143 (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)).

With respect to claim 1, the Examiner's sole basis for combining the Deianov and Wood references is "because it provides a flexible method to control the system during runtime." See, Office Action at pg. 3, lines 16-17. The Examiner's bare assertion fails to meet the standard outlined in M.P.E.P. §2143 because neither Deianov nor Wood suggest or provide the motivation for such a combination. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Because Examiner's rejections of all other pending claims also rely at least on a combination of Deianov and Wood, Applicant respectfully requests that these rejections also be withdrawn.

Moreover, contrary to the Examiner's assertion, the combination of Deianov and Wood do not teach or suggest the limitations of claim 1 at least because both Deianov and Wood teach a static mapping of rules to processes. In Deianov, the static mapping in an association table determines if a system call will be executed or whether a system call wrapper is executed. The mapping of system calls or system call wrappers to processes is made a priori and cannot change once the system is running.

Wood also teaches a static set of mapping rules. See, Wood, pg. 4, paragraph 37. In Wood, the mapping rules may be updated periodically with a new set of rules. However, the rules themselves are static. Thus, Wood teaches an updateable static mapping of trust levels to authentication schemes. Although updateable, the mapping of trust levels to authentication schemes is static i.e. a given trust level will always invoke the same authentication scheme when using the existing mapping. Wood simply allows for the existing mapping to be updated so that a trust level can be associated with an updated authentication scheme as the threat profile changes. However, once updated that trust level will always require the newly updated authentication scheme until a further update. See, Wood, pg. 4, paragraph 38.

In other words, in both Deianov and Wood the rules effecting the mapping are static. A different behavior requires a new mapping. Therefore, neither Deianov nor Wood, alone or in combination teach at least the steps of:

evaluating the service request based on at least one dynamically alterable condition dependent rule, an original or modified data in the service request, and at least one of a present software system state and a past software system state; ...

dynamically selecting a desired behavior from among several behaviors for the software component based on the evaluation; and

dynamically controlling the software component such that the software component executes the desired behavior

as recited in amended claim 1.

Claims 2-47 depend from claim 1 and are therefore allowable for at least the same reasons as is claim 1.

In contrast to the teachings in Deianov and Wood either alone or in combination, amended claims 49, 50, 51, 52, 64, 101, 102, 103, and 104 also recite in relevant part,

evaluating the service request based on at least one dynamically alterable condition dependent rule, an original or modified data in the service request, and at least one of a present software system state and a past software system state; ...

...dynamically selecting a desired behavior from among several behaviors for the software component based on the evaluation; ...

...dynamically controlling the software component such that the software component executes the desired behavior.

Therefore, claims 49, 50, 51, 52, 64, 101, 102, 103, and 104, as amended are also allowable.

Claims 53-62 depend from claim 52 and are allowable for at least the same reasons as is claim 52.

Claims 65-99 depend from claim 64 and are allowable for at least the same reasons as is claim 64.

Claims 105–114 depend from claim 104 and are allowable for at least the same reasons as is claim 104.

In view of the foregoing, Applicant respectfully submits that claims 1-47, 49-62, 64-99, and 101–114 are allowable and pending in the application.

CONCLUSION

Applicant respectfully requests that this Amendment be entered by the Examiner, placing all pending claims in condition for allowance. Applicant submits that the amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and continued examination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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